



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 640

Hearing Date: February 8, 2001

Committee On: Health and Human Services

Introducers: (Jensen, Brown, Dw. Pedersen, Thompson, at the request of the Governor)

Title: Rename grants and provide for a county aid program under the Juvenile Services Act

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7 Yes Senator Jensen, Byars, Suttle, Price, Cunningham, Maxwell and Erdman

No

Present, not voting

Absent

Proponents:

Senator Jim Jensen

Governor Mike Johanns

Ron Ross

Allen Curtis

Kerry Eagen

Mike Kelly

Representing:

Introducer

Department of Health and Human Services

Nebraska Commission on Law Enforcement and Criminal Justice

Lancaster County

Douglas County

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes: The bill, introduced on behalf of the Governor, creates the County Juvenile Services Aid Program under the Juvenile Services Act. The bill deletes language in section 43-2403 requiring all state agencies providing direct services to juveniles to coordinate their efforts and work with the Crime Commission, the judiciary, and local political subdivisions in the development of a comprehensive juvenile services plan and the establishment and provision of programs or services under the plan.

To be eligible for the Commission Grant Program or the County Aid Program, counties must develop and adopt a comprehensive juvenile services plan and submit the plan to the Office of Juvenile Services (OJS). Plans may be developed by single or multiple counties. Programs or services established must conform to the family policy tenets prescribed in sections 43-532 to 43-534. Counties may apply to OJS for planning grants to aid in the development and adoption of the comprehensive plan.

Parts of a plan dealing with the juvenile court cannot be submitted without the concurrence of the presiding judge of the court having jurisdiction in juvenile cases for the geographic area to be served.

OJS must develop or contract for the development of a statewide system to monitor and evaluate the effectiveness of plans and programs receiving funds under the grant program and the county aid program.

Annual appropriations for the County Juvenile Services Aid Program may not exceed \$4,000,000 in General Funds. State, federal and other funds acquired under the aid program must be used to aid counties in the establishment and provisions of community-based services for accused and adjudicated juvenile offenders. Up to \$500,000 of the combined annual appropriation to the aid program may be set aside by OJS for planning grants to counties. The remainder of the annual appropriation must be apportioned to counties as aid according to an equitable formula promulgated by OJS in rule and regulation.

The bill requires that aid be reduced by the cost to the state of care for juveniles from the county who do not meet the criteria established by rule and regulation that identifies the types of offenders appropriate for youth rehabilitation and treatment centers or more restrictive placement, but who are in fact committed to OJS for placement at a youth rehabilitation and treatment center or more restrictive level placement

Funds provided to counties under the County Juvenile Services Aid Program must be used to assist counties in implementation and operation of programs or services identified in their comprehensive juvenile service plan, including programs for assessment and evaluation, prevention of delinquent behavior, diversion, detention, shelter care, intensive juvenile probation services, restitution, family support services, and family group counseling. No funds under the aid program may be used for construction of secure detention facilities, secure youth treatment facilities, or secure youth confinement facilities.

Counties must provide a minimum of a 40% local match from nonstate sources for aid funds received from the state under the aid program. Aid received by a county may not be used to replace or supplant any funds currently being used to support existing programs for juveniles, and may not be used for capital construction or the lease or acquisition of facilities.

The bill provides intent to appropriate \$1,670,000 from the General Fund for FY2001-02 and \$3,680,000 from the General Fund for FY2002-03 to HHS, for program 324 for distribution to eligible counties as determined by rules and regulations adopted and promulgated by OJS.

The bill becomes operative on July 1, 2001, and has the emergency clause.

Explanation of amendments, if any: The committee amendment provides that planning grants to counties for the development of comprehensive juvenile services plans will be administered through the Crime Commission instead of the Office of Juvenile Services (OJS). Annual appropriations to the grant program may not exceed \$250,000 of General Funds. Grants are limited to \$5,000 for a consecutive two-year period. Juvenile services aid continues to be administered through OJS. Annual appropriation for the juvenile service aid program may not

exceed \$3,750,000 of General Funds. The amendment also allows any county expenditures for juvenile community-based programs to be applied toward the 40% county match requirement in the bill.

The committee amendment also adds provisions of LB 652. LB 652 relates to juveniles placed with the Office of Juvenile Services (OJS) or the Department of Health and Human Services for evaluation prior to disposition by a juvenile court. Currently, section 43-413 requires all juveniles to be evaluated prior to commitment to OJS. LB 652 provides that juveniles may not be committed to the temporary custody of OJS prior to disposition. The bill, as amended into LB 640, requires the state to pay the costs incurred during an evaluation unless otherwise ordered by the court, and the preevaluation detention costs beyond the first ten days after the evaluation was ordered by the court. Counties are responsible for all other detention costs prior to disposition, the cost of delivering the juvenile to the facility or institution for an evaluation, and the cost of returning the juvenile to the court for disposition

NOTE: In connection with the provisions of LB 652, see *In re Interest of Marie E.*, 260 Neb. 984 (Dec. 22, 2000)

Senator Jim Jensen, Chairperson